

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

NOTICE OF MOTION

v.

DAVID RUBEL,
Defendants.

Case No: 20-cr-00195(JLS)(JJM)

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit Herbert L. Greenman, Esq., the undersigned moves this Court for an Order extending the time within which the defense must file motions for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may deem just and proper.

DATED: Buffalo, New York
October 29, 2021

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
LIPSITZ GREEN SCIME
CAMBRIA, LLP
Counsel for Defendant
DAVID RUBEL
42 Delaware Avenue
Buffalo, New York 14202
(716) 849-1333
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TO: LAURA HIGGINS, ESQ.
ASSISTANT UNITED STATES ATTORNEY
138 Delaware Ave.
Buffalo, NY 14202

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

v.

DAVID RUBEL

Defendants.

AFFIDAVIT
Case #20-cr-00195(JLS)(JJM)

STATE OF NEW YORK)
COUNTY OF ERIE SS:
CITY OF BUFFALO)

HERBERT L. GREENMAN, Esq. being duly sworn deposes and says:

1. I am an attorney for the defendant David Rubel.
2. By prior motion counsel was advised in Court that plea negotiations have been ongoing. The government has provided a written Plea Agreement to the defense but the defense is in the process of preparing a counter-proposal seeking an alternative disposition of this case.
3. Because of other matters, I have been unable to complete the proposal. However, I believe that I will be able to provide it to the government within the next week.
4. The parties believe that we will be able to reach an alternative disposition and, under the circumstances, I am respectfully requesting an additional 3 weeks within which to file motions if necessary.
5. Assistant United States Attorney Laura Higgins does not object to this request.
6. The parties agree that the speedy trial time should be excluded on the basis that the interest of the defendant and the community in a speedy disposition of this case is outweighed by this request.

7. Your deponent believes that I will not need any additional time.

8. I apologize to the Court for the time which has been necessary to try to resolve this matter.

WHEREFORE, your deponent prays that this Court issue an Order accordingly.

DATED: October 29, 2021
Buffalo, New York

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
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Sworn to before me this 29th day
Of October, 2021

/s/Elizabeth M. Jagord-Ward

Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 31, 2022